

REMARKS

Claims 7 and 11 have been amended. Claims 1-13 remain pending. The abstract has also been amended. The Applicants wish to thank the Examiner for the acknowledgement of claim 8 as allowable.

Applicants respectfully traverse the Examiner's rejection of Claim 11 as anticipated by Kondo.

Kondo discloses a method and a system in which a plurality of base stations all transmit to a base station controller, information received from a mobile station, together with respective error indication. Based on the error indications, the base station controller selects one information signal which can be a no error signal received from a base station or the signal level having the highest reception level received from a base station, or a combination of signals in which errors have been corrected.

The error indications computed by each base station of the plurality of base stations results of the detection by error detectors performing an error detection with CRC ([0054], [0055] and references 11f and 13f on Fig. 5). Such error indications can be assimilated to accuracy indicators that result from an error check on respective frames of hard bits. But, they cannot be confused with frames of soft bits. A soft bit is defined in the present application as a measure of probability that a received bit corresponds to a binary value (p.5, line 34 – p.6, line 1). Some CRC bit checks obtained for a given radio frame in order to indicate whether such frame is erroneous or not are indeed outside the above definition of a frame of soft bits which gives relevant confidence level on the binary value of each bit of the frame.

Thus, it can be concluded that Kondo only discloses means for generating and means for transmitting frames of hard bits. But Kondo does not disclose means for generating and means for transmitting frames of soft bits.

The subject-matter of Claim 11 is thus novel and non-obvious over Kondo. Claims 12-13 are allowable as well, in particular since they depend on Claim 11.

However, Claim 11 is hereby amended to replace "means for transmitting the frame of hard bits" by "means for transmitting the frame of hard bits selectively" and to replace "means for transmitting the frames of soft bits" by "means for transmitting the frame[s] of soft bits selectively." This amendment places Claim 11 more in conformity with Claim 1. It should be noted that Kondo discloses means for transmitting frames of hard bits in all cases, i.e. not selectively, which makes its teaching even further away from the present invention.

Applicants traverse the Examiner's rejection of Claims 1 and 9 as obvious over Kondo in view of Chambert.

It is recalled that Kondo does not disclose either generation or transmission of any frame of soft bits.

As for Chambert, it discloses a method and a system in which information blocks (composed of hard bits) sent by a mobile station are received at several base stations. Each base station determines a quality measure representing the reliability of each received information block. Then, the information block with the best quality measure is chosen as a common output information block of the plurality of base stations (see Claim 1).

The quality measure of Chambert can be for instance a number of bytes in a block that contained an error that was correctable or a number of bytes that contain non-correctable errors,

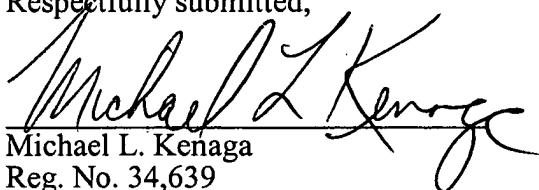
or a combination thereof (p.3, lines 22-27). Here again, considering the passage pointed out in the Office Action, the Examiner seems to have assimilated such quality measures with frames of soft bits. As already seen above, such assimilation is an abusive confusion which goes beyond the normal definition of the soft bits. Moreover, in Chambert, the obtained quality measures are only compared to determine the best one, but they are not combined to generate a second frame of hard bits as recited in Claim 1 of the present application.

Thus, it must be concluded that Chambert does not disclose either the generation and the transmission of frames of soft bits as recited in Claim 1 of the present application. However, the use of soft bits is a way of generating a frame of hard bits as a decision of the frame transmitted by the mobile station, when the frames of hard bits generated in each base station contain error.

Thus, Claim 1 is novel and non-obvious over Kondo even in view Chambert. The same applies to Claim 9. Claims 2-8 and 10 which directly or indirectly depend on either Claim 1 or Claim 9 are acceptable as well, in particular since they include all the features of the claims they depend on.

In view of the foregoing comments, Applicants respectfully submit that the Examiner's rejection has been overcome and requests the Examiner reconsideration and allowance of the pending claims.

Respectfully submitted,


Michael L. Kenaga
Reg. No. 34,639

PIPER RUDNICK LLP
P.O. Box 64807
Chicago, Illinois 60664-0807
Phone: 312/368-4000
Customer No.: 28465